

From: Jennings, Jannine
Sent: Friday, March 14, 2014 8:37 AM
To: Dawn Williams
Cc: Kelly Wright; Rochlin, Kevin; Tsing-Choy, Kathy; Sheldrake, Beth; Virginia Monsisco
Subject: RE: EMF Funding
Attachments: Assistance Agreement # V-00J82701-0 ; NPTCD Approval - R10 Deviation (V-00J82701801901) 40 CFR356275 pre award....pdf

Dawn

Thank you for your email. The Shoshone-Bannock Tribes have CERCLA Cooperative Agreements with EPA to assist in the Tribes' efforts to provide Tribal input at the Eastern Michaud Flats (EMF) Superfund Site. In the past we had one Cooperative Agreement/Fiscal Award that addressed activities at the three separate operating units (OUs) at the Site. Due to differences in how activities at each OU are funded (cost reimbursement by Simplot and FMC), we are required to track expenses for each OU separately. This resulted in some difficulties with tracking and billing costs under that agreement. This year we have separated the funding packages into three separate awards in hopes that it will eliminate some of these problems.

Kelly Wright has submitted 3 grant application packets to the CERCLA program on behalf of the Tribes -- EMF Simplot OU, EMF FMC OU and EMF Off-Plant OU. The Assistance Agreement for the Off-Plant OU has been finalized by EPA's grants specialist and sent to contracts@shoshonebannocktribes.com as specified on the application. Upon my receipt of the notification, I also forwarded it to Kelly Wright. I will try to remember to cc you in future communications.

The awards for the Simplot OU and the FMC OU are still being processed by our grants specialist. We expect them to be posted for the congressional hold period next week and, barring no further difficulties, likely finalized by the end of the month.

This week we received notice from our national grants office that your/our request for allowance of Pre-Award Costs for these 3 awards had been approved (attached above). Thus, Tribal expenses accrued on activities within the scope of the work plan between January 1, 2014 and the award issuance date for each agreement are eligible for reimbursement. These activities should be identified in the first quarterly activities report.

I am the EPA Project Officer for the Simplot OU and Off-Plant OU agreements. Kevin Rochlin rochlin.kevin@epa.gov is the Project Officer for the FMC OU agreement. The EPA grants specialist assigned to all three CERCLA Cooperative Agreements with the Shoshone Bannock Tribes is Kathy Tsing-Choy Tsing-Choy.Kathy@epa.gov.

I hope this helps to orient you to the awards and people associated with the CERCLA Cooperative Agreements between EPA and the Shoshone Bannock Tribes. Please feel free to contact any of us if any questions or concerns throughout the term of these agreements.

Jannine

Jannine Jennings
EPA Remedial Project Manager
206-553-2724
jennings.jannine@epa.gov

From: Dawn Williams [mailto:dwilliams@sbtribes.com]

Sent: Friday, March 14, 2014 7:16 AM

To: Jennings, Jannine

Subject: FW: EMF Funding

Good Morning Ms. Jennings,

I received the email below from our Environmental Waste Program and wanted to introduce myself to you. I am the new Contracting Officer, having replaced Mrs. Bev Wadsworth upon her retirement at the end of 2013.

This email was forwarded in regard to new funding status, however I have not received an award and thought I should make contact with you so you can begin forwarding me those documents and keeping me in the loop. I look forward to working with you.

Have a great Friday!

Dawn D. Williams, M.A.
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From: Jennings, Jannine [mailto:Jennings.Jannine@epa.gov]

Sent: Thursday, March 13, 2014 3:43 PM

To: Kelly Wright; Rochlin, Kevin

Cc: Sheldrake, Beth; Arnold Appeney; susanh@ida.net; Virginia Monsisco; Slater, Mike; Solis, Ricardo

Subject: RE: EMF Funding

Kelly

Kelly,

We have just received the approval of your request for Pre-award costs on all three cooperative agreements. This approval covers expenses incurred under the scope of work of these 3 agreements since January 1, 2014. A copy of the approval is attached and has been forwarded to our grants office. I hope that this action will allow your continued participation in activities at these Sites.

The application packets for the Simplot and FMC Operable Units have been sent to the grants office for processing. We have asked them to process the award agreements at the requested level of funding minus that identified for vehicle expenses. While this will require a future adjustment to the grant, it does allow the funding package to move forward while further information is gathered and reviewed. I will check with our grants office regarding the status of their action on these 2 awards.

Kevin will be taking the lead in the CERCLA review of the vehicle costs and coordinating that effort with Mike Slater and others. You should be hearing from him in the near future.

Jannine

Jannine Jennings

EPA Remedial Project Manager

206-553-2724

jennings.jannine@epa.gov

From: Kelly Wright [<mailto:kwright@sbtribes.com>]

Sent: Thursday, March 13, 2014 1:28 PM

To: Rochlin, Kevin; Jennings, Jannine

Cc: Sheldrake, Beth; Arnold Appeney; susanh@ida.net; Virginia Monsisco; Slater, Mike

Subject: EMF Funding

The Tribes received notice for the Off-Site funding but have not seen anything with regards to the Simplot or FMC Operable Units. Until funding becomes available, I am requesting that any and all comments being requested are postponed for at least a month so the Tribes can ensure that we have available resources to address our concerns.

We are also looking to hear back from you about the details provided for purchasing a vehicle with these resources. I have included our remedial Project Officer for our Brownfields Response Grant because he would like to know if any of the other EPA Resources are going to be assisting with these cost. He has also asked for additional details be provided such as:

- Need to estimate the useful life of the new truck if purchased versus the lease costs over the same time period.
- Provide some advertisements or website links to actual trucks to verify the cost estimate.
- what would happen to the truck if the grants you have run out and are not renewed?
- Would it still be used to support the EWMP? And
- Let me know when you get concurrence from the other EPA grant project officers and we will confirm with the grants administration unit that this is approved and update our grant files.

I am working on getting this information ready for him and will be providing each of you copies for inclusion into each of the cooperative agreements.

Thanks

Kelly




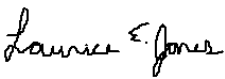
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ADMINISTRATION
AND RESOURCE
MANAGEMENT

March 11, 2014

MEMORANDUM

SUBJECT: Request for Deviation from 40 CFR 35.6275
Allowance of Pre-Award Costs
New Eastern Michaud Flats (EMF) Superfund Site Remedial Response Cooperative
Agreements V-00J82701-0, V-00182801-0 and V-00182901-0 to Shoshone Bannock
Tribes

FROM:  Denise A. Polk, Director 
National Policy, Training and Compliance Division

TO: Edward Chu
Assistant Regional Administrator
EPA Region 10

I am responding to your request for a deviation from the period of availability of funds requirements in 40 CFR 35.6275. A deviation from this regulatory requirement would allow Shoshone-Bannock Tribes to request EPA's written approval to charge costs incurred on this cooperative agreement as of January 1, 2014, which is prior to the agreement's award date.

BACKGROUND

The EPA is in the process of issuing three new cooperative agreements to the Shoshone-Bannock Tribes (Tribes) which provide funding for the Tribes to review and oversee CERCLA activities at each Operable Unit at the Eastern Michaud Flats Superfund Site (Site).

The Tribes felt compelled to initiate work prior to award date in order to provide appropriate input to the EPA regarding on-going Site activities and to provide updates of Site activities to the Tribal community and Tribal Council. The Tribes and the EPA caused unanticipated delays in award of these agreements; however, had the new cooperative agreements been in place, the EPA would have approved the pre-award work and associated costs by the Tribes. This work was and is vital to the success of the ongoing remediation at the Site.

ACTION

I have reviewed this request for a deviation from the period of availability of funds requirements of 40 CFR 35.6275. Based on the representations of the program office, the deviation is needed in order for EPA to consider whether the costs incurred on this cooperative agreement are allowable as of January 1,

2014, before the Award Official signed the assistance agreement. I, therefore, approve this deviation request.

cc: Howard Corcoran, Office of Grants and Debarment
Laurice Jones, Office of Grants and Debarment
Alexandra Raver, Office of Grants and Debarment
Lauren Lovett, Office of General Counsel
Wendel Askew, Office of General Counsel
Yolanda Singer, Office of Solid Waste and Emergency Response
Barbara McDonough, Office of Solid Waste and Emergency Response
Kari Bilal, Office of Solid Waste and Emergency Response
Jannine Jennings, Region 10
Kevin Rochlin, Region 10